

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION TO MAKE AND REGISTER A FIREARM

(Submit in duplicate. See Instructions attached.)

TO: National Firearms Act Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226

The undersigned hereby makes application, as required by Sections 5821 and 5822 of the National Firearms Act, Title 26 U.S.C., Chapter 53, to make and register the firearm described below.

2. APPLICATION IS MADE BY:

☐ INDIVIDUAL ☐ BUSINESS FIRM ☐ GOVERNMENT ENTITY

TRADE NAME (If any)

3a. APPLICANT'S NAME AND MAILING ADDRESS (Type or print below and between the dots)

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b. IF P.O. BOX IS SHOWN ABOVE, STREET ADDRESS MUST BE GIVEN HERE

IMPORTANT: COMPLETE THE REVERSE SIDE. INDIVIDUALS (INCLUDING LICENSE COLLECTORS) MUST ALSO SUBMIT, IN DUPLICATE, FBI FORM FD-258, FINGERPRINT CARD.

4. DESCRIPTION OF FIREARM (Complete items a through i)

a. NAME AND LOCATION ORIGINAL MANUFACTURE OF FIREARM (RECEIVER) (If prototype, furnish plans and specifications) (See Instruction 2f.)

b. TYPE OF FIREARM TO BE MADE (Shortbarreled rifle, machine gun, destructive device, etc.)

c. CALIBER, GAUGE OR SIZE (Specify)

d. MODEL

LENGTH e. OF BARREL: (inches)

f. OVERALL:

g. SERIAL NUMBER (See Instruction 2g.)

h. ADDITIONAL DESCRIPTION (Include all numbers and other identifying data which will appear on the firearm)

i. STATE WHY YOU INTEND TO MAKE FIREARM (Use additional sheet if necessary)

5. APPLICANT'S FEDERAL FIREARMS LICENSE (If any)

(Give complete 15-digit number)

FIRST 6 DIGITS	2 DIGITS	2 DIGITS	5 DIGITS

6. SPECIAL (OCCUPATIONAL) TAX STATUS

a. ATF IDENTIFICATION NO.

b. CLASS

7. EMPLOYER'S IDENTIFICATION NUMBER (If applicable)

IMPORTANT: GIVE FULL DETAILS ON SEPARATE SHEET FOR ALL "YES" ANSWERS IN ITEMS 8 AND 9

8. IS APPLICANT

YES NO

a. Charged by information or under indictment in any court for a crime for which the judge could imprison him/her for more than one year. An information is a formal accusation of a crime made by a prosecuting attorney.

b. A fugitive from justice?

c. An alien who is illegally in the United States?

d. Under 21 years of age?

e. An unlawful user of or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?

f. Subject to a court order restraining him/her from harassing, stalking or threatening an intimate partner or child of such partner? (See Instruction 5, paragraph 8)

9. HAS APPLICANT

YES NO

a. Been convicted in any court of a crime for which the judge could have imprisoned him/her for more than one year, even if the judge actually gave him/her a shorter sentence?

b. Been discharged from the armed forces under dishonorable conditions?

c. Been adjudicated mentally defective or been committed to a mental institution?

d. Renounced his or her United States citizenship?

e. Been convicted in any court of a misdemeanor crime of domestic violence? This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim. (See Definition 1d.)

UNDER PENALTIES OF PERJURY, I DECLARE that I have examined this application, including accompanying documents, and to the best of my knowledge and belief it is true, accurate and complete and the making and possession of the firearm described above would not constitute a violation of Chapter 44, Title 18, U.S.C., Chapter 53, Title 26, U.S.C., or any provisions of State or local law.

10. SIGNATURE OF APPLICANT

11. NAME AND TITLE OF AUTHORIZED OFFICIAL OF FIRM OR CORPORATION (If applicable)

12. DATE

THE SPACE BELOW IS FOR THE USE OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

By authority of the Director, Bureau of Alcohol, Tobacco and Firearms, this application has been examined and the applicant's making and registration of the firearm described above is:

STAMP NUMBER

☐ **APPROVED** (With the following conditions, if any)

☐ **DISAPPROVED** (For the following reasons)

EXAMINER	DATE	AUTHORIZED ATF OFFICIAL	DATE
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ADDITIONAL REQUIREMENTS

<p>The Chief of Police, Sheriff, or other official acceptable to the Director must complete the "Law Enforcement Certification" below. If the applicant is an individual (<i>including a licensed collector</i>) a recent photograph must be attached in the space provided and FBI Form FD-258, Fingerprint Card, completed in duplicate, must be submitted.</p>	<p>1. PHOTOGRAPH</p> <div style="text-align: center; margin-top: 100px;"> AFFIX RECENT PHOTOGRAPH HERE <i>(Approximately 2" x 2")</i> </div>
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2. **LAW ENFORCEMENT CERTIFICATION** (*See IMPORTANT note below*)

I certify that I am the chief law enforcement officer of the organization named below having jurisdiction in the area of residence of

(Name of Maker)

I have no information indicating that the maker will use the firearm or device described on this application for other than lawful purposes. I have no information that POSSESSION OF THE FIREARM DESCRIBED IN ITEM 4 ON THE FRONT OF THIS FORM WOULD PLACE THE MAKER IN VIOLATION OF STATE OR LOCAL LAW.

(Signature and Title of Chief Law Enforcement Officer - see IMPORTANT note below)

BY (*See IMPORTANT NOTE BELOW*) _____

(Signature and Title of Delegated Person)

(Organization)

(Street Address)

(City, State, and ZIP Code)

(Date)

IMPORTANT: The chief law enforcement officer is considered to be the Chief of Police for the maker's city or town of residence, the Sheriff for the maker's county of residence; the Head of the State Police for the maker's State of residence; a State or local district attorney or prosecutor having jurisdiction in the maker's area of residence; or another person whose certification is acceptable to the Director, Bureau of Alcohol, Tobacco and Firearms. If someone has specific delegated authority to sign on behalf of the Chief of Police, Sheriff, etc., this fact must be noted by printing the Chief's, Sheriff's, or other authorized official's name and title, followed by the word "by" and the full signature and title of the delegated person.

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION TO MAKE AND REGISTER A FIREARM

(Detach this sheet before completing form)

INSTRUCTIONS

1. DEFINITIONS.

- a. **FIREARM.** The term "firearm" means: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon is modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in b. below; (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term "firearm" shall not include an antique firearm or any device (*other than a machinegun or destructive device*) which, although designed as a weapon, the Director, Bureau of Alcohol, Tobacco and Firearms, or authorized delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
- b. **ANY OTHER WEAPON.** The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.
- c. **PERSON.** The term "person" means any individual, company, corporation, association, firm, partnership, joint stock company, trust or society.
- d. **MISDEMEANOR CRIME OF DOMESTIC VIOLENCE** - A crime that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that involve the use or attempted use of physical force (*e.g., simple assault, assault and battery*), if the offense is committed by one of the defined parties. The person is **NOT** considered to have been convicted of such crime unless the person was represented by a lawyer or gave up the right to a lawyer, and, if the person was entitled to a jury trial, was tried by a jury or gave up the right to a jury trial.

2. PREPARATION OF APPLICATION TO MAKE AND REGISTER A FIREARM, AND PAYMENT OF TAX, WHERE REQUIRED.

- a. As provided in § 5822 of the National Firearms Act, every person (*other than a licensed manufacturer who has also paid the required special (occupational) tax to manufacture NFA weapons*) seeking to make a firearm must complete, in duplicate, a separate application on this form for each firearm. The applicant maker must furnish all the information called for on this application form.
- b. The applicant must present this form to the law enforcement agency having jurisdiction in his area of residence (*Chief of Police, Sheriff, etc.*) for completion of the Law Enforcement Certification on the back of the form. If the applicant is other than an individual, the trade name should be entered as "name of maker."
- c. If the applicant is an individual (*including a licensed collector*), an unmounted photograph (2" x 2" *taken within the past year*) must be affixed in the indicated space on both copies of the form, and completed FBI Form FD-258, Fingerprint Card, must be submitted in duplicate. The prints should be taken by someone qualified to do so and must be clear, unsmudged and classifiable. In addition, the person taking the fingerprints must enter the identification data regarding the individual maker and must complete the Fingerprint Cards by signing as the person taking the fingerprints.

- d. All required signatures must be entered in ink. It is preferred that the form be prepared by use of a typewriter, using carbon paper to make an exact duplicate. Pen and ink may be used, but under no circumstances will a form filled in by use of a lead pencil be accepted. The signature on both copies *must* be an original. Photocopies, other facsimiles, or carbon copy signatures are not acceptable. All changes made on the form must be initialed and dated by the applicant.
- e. Unless the making of the firearm is tax exempt (*see instruction 4 below*), a \$200 making tax must be paid (*Title 26 U.S.C., Chapter 53, § 5821(a)*).
- f. Item 4a. of the form should clearly indicate if the parts of a receiver which has been destroyed in accordance with Department of Defense (DOD) demilitarization standards will be used to "make" the receiver of the firearm. The name of the manufacturer of the original receiver should be shown, as well as any serial number appearing on such receiver. Please note that a machinegun receiver which has not been destroyed according to current DOD demilitarization standards may be classified as a National Firearms Act (NFA) weapon in and of itself. It is unlawful to possess an NFA firearm which is not registered to the possessor and the weapon is subject to the seizure and forfeiture provisions of the law.
- g. It is suggested that the Serial Number (*item 4g on the face of the form*) contain at least four digits, preceded by the maker's initials.
- h. If any questions arise concerning the preparation of the form, contact the NFA Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 or the nearest ATF office.

3. DISPOSITION OF APPLICATION TO MAKE AND REGISTER A FIREARM.

The applicant will forward both copies of the form to the NFA Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, with a \$200 check or money order (*where required*) made payable to the Department of the Treasury. If approved, the original of the approved form will be returned to the applicant and ATF will retain the duplicate. Approval by ATF will effect registration of the firearm to the applicant and ATF will retain the duplicate. Approval of ATF will effect registration of the firearm to the applicant. The applicant shall not, under any circumstances, make the firearm until the approved form, with the "National Firearms Act" stamp attached, is received. The form must be retained by the applicant and be available at all times for inspection by Government officers until such time as the firearm may later be transferred after approval by this office. If the application is disapproved, the original and any accompanying check or money order will be returned to the applicant with the reason for disapproval.

4. EXEMPTIONS FROM PAYMENT OF TAX.

- a. Under the provisions of §§ 5852 and 5853, National Firearms Act, firearms as defined in 1a. and 1b., may be made by any person without payment of the making tax when made by, or on behalf of: (1) the United States, or any department, independent establishment, or agency thereof; or (2) any State or possession of the United States, or any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations. The maker must apply on this form and obtain the approval of the Director before making the firearm. Documentation that the firearm is being made for a government entity must accompany the application. A U.S. Government Contract number or a State or local government purchase order would be acceptable documentation. Upon receipt of the approved ATF F 1, and after the firearm has been made, the maker must apply on ATF F 5 for the tax exempt transfer of the firearm to the government entity for whom it was made.
- b. A manufacturer who has paid special (occupational) tax to manufacture firearms may make the kind of firearm that he is qualified to manufacture without payment of the making tax and he is not required to file this application form. However, the qualified manufacturer must report and register each firearm made by filing ATF Form 2, Notice of Firearms Manufactured or Imported, with the Director, immediately after manufacturing the firearm.

INSTRUCTIONS (Continued)

5 PERSONS PROHIBITED FROM MAKING A FIREARM.

Section 5822 of the National Firearms Act requires that the application to make a firearm be denied if the making or possession of the firearm would place the person making the firearm in violation of law. The term "law" in this statute includes Federal laws as well as State statutes and local ordinances applicable to the locality where the transferee resides. Under 18 U.S.C., Chapter 44, the possession of a firearm in or affecting interstate commerce, including an unserviceable firearm which has a frame or receiver, is unlawful when possessed by any person who:

- (1) Is under indictment or information in any court for a crime for which the judge could imprison him or her for more than one year or has been convicted in any court of a crime for which the judge could have imprisoned him or her for more than one year.
- (2) Is a fugitive from justice.
- (3) Is an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance.
- (4) Has been adjudicated mentally defective or been committed to a mental institution.
- (5) Has been discharged from the Armed Forces under dishonorable conditions.
- (6) Is an alien illegally in the United States.
- (7) Has renounced his or her United States citizenship.
- (8) Is subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate; (B) restrains such person from harassing, stalking or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical

safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

- (9) Has been convicted in any court of a misdemeanor crime of domestic violence. This includes any misdemeanor conviction involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim.

EXCEPTION: For one who has been convicted of a crime for which the judge could have imprisoned the individual for more than one year, or has been convicted of a misdemeanor crime of domestic violence, the prohibition does not apply if, under the law where the conviction occurred, the individual has been pardoned for the crime, or the conviction has been expunged or set aside, or the person has had civil rights restored, AND the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing any firearms.

6. PENALTIES.

Any person who violates or fails to comply with any of the requirements of the National Firearms Act shall, upon conviction, be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both, in the discretion of the court. Moreover, any firearm involved in any violation of the provisions of the National Firearms Act or any regulations issued thereunder shall be subject to seizure and forfeiture. It is unlawful for any person to make or cause the making of a false entry on any application or record required by the National Firearms Act, knowing such entry to be false.

7. LATER TRANSFER OF THE FIREARM.

If the firearm is to be transferred later by the applicant, an application form covering the proposed transfer must be filed with the Director, Bureau of Alcohol, Tobacco and Firearms.

PRIVACY ACT INFORMATION

1. **AUTHORITY.** Solicitation of this information is made pursuant to the National Firearms Act (26 U.S.C. § 5821 and 5822). Disclosure of this information by the applicant is mandatory for any person (*other than a manufacturer qualified under the National Firearms Act*) making a firearm as defined in the National Firearms Act.
2. **PURPOSE.** To verify payment of the tax imposed by 26 U.S.C. § 5821; to determine that the making would not be in violation of law; and to effect registration of the firearm.
3. **ROUTINE USES.** The information will be used by ATF to make the determinations set forth in paragraph 2. In addition, to effect registration of the firearm, information as to the identification of the firearm, date of registration, and the identification and address of person entitled to possess the firearm will be entered into the National Firearms Registration and Transfer Record. No information obtained from a application, registration, or records required to be submitted by a natural person in order to comply with any provision of the National Firearms Act or regulations issued thereunder, shall, except in connection with prosecution or other action for furnishing false information, be used, directly or indirectly, as evidence against that person in any criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application. The information from this application may only be disclosed to Federal authorities for purpose of prosecution for violation of the National Firearms Act.
4. **EFFECTS OF NOT SUPPLYING INFORMATION REQUESTED.** Failure to supply complete information will delay processing and may cause denial of the application.

PAPERWORK REDUCTION ACT NOTICE

This form is in accordance with the Paperwork Reduction Act of 1995. The information you provide is used to establish that a transferee's receipt and possession of the firearm would be in conformance with Federal, State, and local law. The data is used as proof of lawful registration of a firearm to the manufacturer. The furnishing of this information is mandatory (26 U.S.C. 5822).

The estimated average burden associated with this collection of information 4 hours per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be addressed to Reports Management Officer, Document Services Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.